Before the FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554

In the Matter of

Amendment of Part 73 of the Commission's Rules to More Effectively Resolve Broadcast Blanketing Interference, Including Interference to Consumer Electronics and Other Communications Devices

MM Docket No. 96-62

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REPLY COMMENTS OF THE CONSUMER ELECTRONICS MANUFACTURERS ASSOCIATION

The Consumer Electronics Manufacturers Association ("CEMA"), a sector of the Electronic Industries Association, hereby replies to the comments that were filed in response to the Commission's Notice of Proposed Rulemaking ("Notice") in the above-captioned proceeding on June 25, 1996.¹

I. THE COMMISSION SHOULD REJECT BROADCASTERS' EFFORTS TO ESCAPE RESPONSIBILITY FOR BLANKETING INTERFERENCE

In the *Notice*, the Commission has proposed to consolidate the rules governing broadcast blanketing interference in a single new Section 73.1630. New Section 73.1630 also would: define the method for calculating the blanketing contour of AM broadcast stations; extend to TV stations the existing method for calculating the interference contour of FM stations;

See Amendment of Part 73 of the Commission's Rules to More Effectively Resolve Broadcast Blanketing Interference, Including Interference to Consumer Electronics and Other Communications Devices, FCC 96-124, MM Docket No. 96-62 (released Apr. 26, 1996). Unless otherwise noted, references to comments are to those filed in this proceeding on June 25, 1996.

and detail each broadcast licensee's responsibilities to help resolve complaints of blanketing interference.² In its comments, CEMA supported each of these proposals. CEMA also urged the Commission to take certain additional steps to ensure that its blanketing rules are truly effective. Specifically, CEMA asked the Commission (1) to require broadcasters to remedy individual cases of blanketing interference within six months after a consumer moves into, or tries to use new equipment within, the area circumscribed by the broadcaster's blanketing contour; (2) to require broadcasters to address interference complaints within a reasonable time period; and (3) to expand its rules to cover all stationary non-RF devices.

In their comments, several broadcasters, broadcast engineers and the National Association of Broadcasters (collectively, "the broadcasting parties") have attempted to turn this proceeding on its head. Rather than addressing the Commission's efforts to harmonize its blanketing rules, they have questioned the basis for those rules. They have thus generally opposed the Commission's proposals, suggesting instead that blanketing interference should be addressed by imposing interference immunity standards on consumer electronics products.³ Procedurally, these comments are out of place. Nowhere in the *Notice* did the Commission suggest that it would consider limiting the scope of its blanketing interference rules or establishing interference immunity standards

² See id. at Appendix A.

³ See, e.g., Comments of National Association of Broadcasters at 1, 7 [hereinafter "NAB Comments"]; Comments of Association of Federal Communications Consulting Engineers at 2, 6 [hereinafter "AFCCE Comments"]: Comments of WPCE, Wake Forest, North Carolina.

Substantively, the broadcasting parties' comments also miss the mark. CEMA will not burden the record with a recitation of the history of, and the need for, the Commission's blanketing interference rules. The long-recognized, critical fact is that broadcasters have an obligation to be good neighbors to those residing and working near their transmitter sites. It is therefore quite appropriate that broadcasters bear responsibility for assisting the public in correcting the problems created by their high-powered transmissions. Indeed, the existing and proposed blanketing rules merely recognize that, as part of their larger public interest obligations, broadcasters must take into account the impact which their operations have on nearby users of consumer electronics products.⁴

The contrary result suggested by the broadcasting parties -- imposing stringent immunity standards on consumer electronics -- would force the public as a whole to bear the burden and cost of rectifying localized blanketing problems created by the broadcasters. Blanketing interference is a potential problem only for that small fraction of the population that lives or works in relatively close proximity to transmitting stations. Blanketing interference also is very case-specific, varying in severity with the frequency and power of the broadcast signal as well as the type of consumer electronics product involved. CEMA can conceive of no cost-benefit analysis which would justify requiring all consumer electronics to incorporate -- and requiring the public to pay for -- immunity safeguards that are needed in only a limited number of highly localized circumstances that are directly attributable to the nature of high-powered broadcasting. Any such requirement would be overbroad, unnecessarily burdensome and,

⁴ See, e.g., FM Broadcast Station Blanketing Interference, 57 R.R.2d 126 at ¶ 9 (1984) (emphasizing broadcasters' need to take into account the impact of their transmissions on the public in selecting transmitter sites)

ultimately, a boon to those broadcasters seeking to avoid responsibility for blanketing interference.

The Commission instead should continue to rely on the marketplace to determine the design, immunity capabilities and price of interference-immune equipment. This voluntary process, as the Commission is aware, has been very successful. In 1983, in response to congressional concerns regarding interference to consumer electronics equipment, the Commission looked to ANSI's Accredited Standards Committee C63 to develop voluntary immunity standards. Subcommittee 5 of Accredited Standards Committee C63 was formed to address these immunity issues, and has regularly reported to the Commission on the development and implementation of voluntary immunity standards. The Subcommittee repeatedly has concluded that this voluntary approach has been effective and that no further action by the Commission is needed with respect to immunity standards.

II. THE COMMISSION SHOULD REJECT BROADCASTERS' EFFORTS TO MINIMIZE THEIR OBLIGATIONS TO REMEDY BLANKETING INTERFERENCE

In addition to disparaging the quality of consumer electronics products, the broadcasting parties have attempted to undermine the Commission's goals in this proceeding by proposing significant limitations on the reach of the blanketing interference rules. The broadcasting parties variously argue: that the Commission should reduce the area described by AM, FM and TV blanketing contours (or that there should be no blanketing contour for TV signals); that broadcasters should not have any obligation to "transient" consumers who live in apartment buildings or move into blanketing contours: that broadcasters should not be required to keep records of their responses to blanketing complaints or respond to complaints within a

specified period, and; that broadcasters should not have any responsibilities beyond the blanketing contour, or beyond one year after station installation or a major station change.⁵

As CEMA explained in its initial comments and as the *Notice* recognizes, the blanketing rules should be made more, not less, consumer friendly -- particularly given the public's increasing use of, and reliance upon, consumer electronics equipment. In essence, the broadcasting parties have argued that anything other than *de minimis* blanketing rules would impose an unreasonable burden on *them*. The broadcasting parties, however, fail to recognize that the reasonableness of the Commission's proposals should be viewed in light of *consumer* needs as well. For example, the Association of America's Public Television Stations and the Public Broadcasting Service suggest: that a broadcaster's initial response to blanketing complaints should be limited to providing informational material; that the Commission should invoke its "first in time" rule and always require the later-arriving party to accept existing interference problems, and; that consumers moving into blanketing contours should understand

⁵ See, e.g., NAB Comments at 6-10; AFCCE Comments at 4-5; Comments of du Treil, Lundin & Rackley, Inc.

The National Association of Broadcasters, for one, agues against defining any TV blanketing interference contour because the association is "unaware of television stations being the source of any significant level of blanketing complaints." At the same time, the NAB alleges that the proposed 115 dBu blanketing contour "would be far too large to constitute a fair depiction of the area within which the television broadcaster might have a blanketing obligation." NAB Comments at 10. In other words, despite the NAB's assertion that TV blanketing interference problems are already minimal, the association would have the Commission define even *more* narrowly than the *Notice* proposes the geographic area where television broadcasters would be responsible for resolving blanketing interference problems

"the environment into which they are moving." CEMA submits that such arguments have no basis in reality. To successfully deal with blanketing interference, the Commission's rules should require broadcasters to remedy interference complaints based on consumers' needs, not on the broadcasters' desire that consumers acquire RF engineering know-how.

The Commission should therefore reject out of hand the broadcasting parties' efforts to define more narrowly the AM, FM and TV blanketing contours, to eliminate their responsibility to transient consumers, to avoid reasonable response-time and record-keeping obligations, and to limit the duration of their responsibilities to consumers. Each of these proposals would favor broadcasters at the expense of the general public.⁸ In clarifying its blanketing interference rules, the Commission should ensure that the interests of consumers are protected.

⁷ Comments of Association of America's Public Television Stations and Public Broadcasting Service at 4-5.

It also has been suggested that the transition to digital television somehow obviates the need for rules governing TV blanketing interference. See, e.g., NAB Comments at 10. This suggestion is without merit. Today's NTSC standard will continue to be used for several years to come and, as a consequence, analog TV blanketing rules adopted by the Commission will have utility as well.

III. CONCLUSION

For all of the reasons set forth above and in CEMA's initial comments, the Commission should reject the arguments of the broadcasting parties and refine its blanketing interference rules to better protect the interests of consumers.

Respectfully submitted,

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July 25, 1996

CERTIFICATE OF SERVICE

I, Marc Berejka, do hereby certify that on this 25th day of July 1996 I have caused a copy of the foregoing to be served via postage paid first-class mail upon the persons listed below.

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